UNITED STATES DISTRICT COURT FOR THE EASTERN DISTICT OF MICHIGAN SOUTHERN DIVISION

Cary Cosgrove,

Plaintiff, Civil Action No.: 16-10975
Honorable Gerald E. Rosen
Magistrate Judge Elizabeth A. Stafford

Jeffery Dame, et al.,

Defendant.

REPORT AND RECOMMENDATION TO GRANT REQUEST TO VOLUNTARILY DISMISS COMPLAINT

Defendants Jeffery Dame and Officer Reed filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(c), [R. 33], but Plaintiff Cary Cosgrove did not respond and the Court ordered him to show cause why his complaint should not be dismissed without prejudice. [R. 42]. Cosgrove subsequently filed a request to dismiss his case, stating, "I no longer wish to pursue civil action in Federal Court". [R. 43]. Thus, the Court RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(2) and that defendants' motion to dismiss [R. 33] be deemed MOOT.

Dated: October 18, 2016

S/Elizabeth A. Stafford

ELIZABETH A. STAFFORD

United States Magistrate Judge

NOTICE TO PARTIES REGARDING OBJECTIONS

Either party to this action may object to and seek review of this Report and Recommendation, but must act within fourteen days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing objections which raise some issues but fail to raise others with specificity will not preserve all objections that party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). A copy of any objection must be served upon this Magistrate Judge. E.D. Mich. LR 72.1(d)(2).

Each **objection must be labeled** as "Objection #1," "Objection #2," etc., and **must specify** precisely the provision of this Report and Recommendation to which it pertains. Not later than fourteen days after service of objections, **the non-objecting party must file a response** to the objections, specifically addressing each issue raised in the objections in the same order and labeled as "Response to Objection #1," "Response to Objection #2," etc. The response must be **concise and proportionate in**

length and complexity to the objections, but there is otherwise no page limitation. If the Court determines that any objections are without merit, it may rule without awaiting the response.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 18, 2016.

<u>s/Marlena Williams</u> MARLENA WILLIAMS Case Manager